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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/809,709 | 03/15/2001 | David S. Gilbert JR. | | 4506 |

7590 04/24/2002
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EXAMINER

DANGANAN, JONI BALDOS

| ART UNIT | PAPER NUMBER |
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3723

DATE MAILED: 04/24/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/809,709

Applicant(s)
David S. Gilbert

Examiner
Joni Danganan

Art Unit
3723



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Mar 15, 2001 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 20) ☐ Other:

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DETAILED ACTION

Drawings

1. The drawings are objected to because Figures 30 and 31 are so close together that it is confusing as to which elements belong which figure. Correction is required.

Specification

2. The disclosure is objected to because of the following informalities:
 - (a) page 3, figure descriptions for Figures 24 and 26-28 should be inserted; and
 - (b) page 6, line 15, change "includes" to --includes--.

Appropriate correction is required.

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the specification should recite (a) the outer side surface of the upper jaw having "ratcheted teeth" as recited in Claim 1, line 4 (please note that the specification discloses these "ratcheted teeth" as "notched portion 48") and (b) the serrated gripping surface being "slanted" as recited in Claim 9, line 3.

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Claim Objections

4. Claim 1 is objected to because of the following informalities: the claim should be numbered, --1.-- should be inserted before "A hand tool". Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 2 (and throughout the remaining claims) recites a "flat surfaced angular" slidable jaw portion. This recitation is confusing. Is the surface "flat" or "angular"?

Claim 1, lines 11 and 14 recite "a retaining spring". Are these two different springs or the same spring?

Claim 1 recites the limitation "said cam action means" in line 20. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "the inner surfaces" in line 3. There is insufficient antecedent basis for this limitation in the claim.

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Allowable Subject Matter

7. Claims 1-11 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gutfeld 2,882,774, Carlson 993,504 and Anderson 1,586,513 disclose wrenches similar to the disclosed invention.

Knebel et al. 4,616,536 discloses a wrench with alignment pins (19,22) and a cooperating slot (20).

Hoffman 1,396,576 discloses a wrench including a pawl (13) and dog (17) held together by a spring (19).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joni Danganan whose telephone number is (703) 305-5930.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148.

jbd

April 21, 2002


Joni B. Danganan
Patent Examiner